

**PUBLIC UTILITIES COMMISSION**

505 VAN NESS AVENUE
SAN FRANCISCO, CA 94102-3298

FILED

11/04/19
11:21 AM

November 4, 2019

**Agenda ID #17922
Ratesetting**

TO PARTIES OF RECORD IN APPLICATION (A.)14-04-013, A.14-06-012:

This is the proposed decision of Administrative Law Judge Bemmesderfer. Until and unless the Commission hears the item and votes to approve it, the proposed decision has no legal effect. This item may be heard, at the earliest, at the Commission's December 5, 2019 Business Meeting. To confirm when the item will be heard, please see the Business Meeting agenda, which is posted on the Commission's website 10 days before each Business Meeting.

Parties of record may file comments on the proposed decision as provided in Rule 14.3 of the Commission's Rules of Practice and Procedure.

The Commission may hold a Ratesetting Deliberative Meeting to consider this item in closed session in advance of the Business Meeting at which the item will be heard. In such event, notice of the Ratesetting Deliberative Meeting will appear in the Daily Calendar, which is posted on the Commission's website. If a Ratesetting Deliberative Meeting is scheduled, *ex parte* communications are prohibited pursuant to Rule 8.2(c)(4)(B).

/s/ JESSICA T. HECHT for

Anne E. Simon

Chief Administrative Law Judge

AES:mph

Attachment

Decision **PROPOSED DECISION OF ALJ BEMESDERFER** (Mailed 11/4/2019)**BEFORE THE PUBLIC UTILITIES COMMISSION OF THE STATE OF CALIFORNIA**

Joint Application of Comcast Corporation, Time Warner Cable Inc., Time Warner Cable Information Services (California), LLC, and Bright House Networks Information Services (California), LLC for Expedited Approval of the Transfer of Control of Time Warner Cable Information Services (California), LLC (U6874C); and the Pro Forma Transfer of Control of Bright House Networks Information Services (California), LLC (U-6955-C), to Comcast Corporation Pursuant to California Public Utilities Code Section 854(a).

Application 14-04-013

And Related Matters.

Application 14-06-012

**DECISION ON INTERVENOR COMPENSATION CLAIM OF THE
GREENLINING INSTITUTE**

| | |
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| Intervenor: The Greenlining Institute | For contribution to Decision 15-07-037 |
| Claimed: \$64,317.00 | Awarded: \$57,975.00 |
| Assigned Commissioner: Marybel Batjer | Assigned ALJ: Karl J. Bemederfer |

PART I: PROCEDURAL ISSUES

| | |
|--|---|
| A. Brief description of Decision: | The Decision grants with conditions the motion of Comcast Corporation, Time Warner Cable Inc. Time Warner Cable Information Services (California), LLC (U6874C), Bright House Networks Information Services (California), LLC (U6955C), and Charter Fiberlink CA-CCO, LLC (U6878C) to withdraw their merger Applications, (A.) 14-04-013, and A.14-06-012, and closes the proceeding. |
|--|---|

B. Intervenor must satisfy intervenor compensation requirements set forth in Pub. Util. Code §§ 1801-1812:

| | Intervenor | CPUC Verified |
|---|-------------------|---------------------------------------|
| Timely filing of notice of intent to claim compensation (NOI) (§ 1804(a)): | | |
| 1. Date of Prehearing Conference (PHC): | July 2, 2015 | July 2, 2014 ¹ |
| 2. Other specified date for NOI: | n/a | |
| 3. Date NOI filed: | July 30, 2015 | Verified – July 30, 2014 ² |
| 4. Was the NOI timely filed? | | Yes |
| Showing of customer or customer-related status (§ 1802(b)): | | |
| 5. Based on ALJ ruling issued in proceeding number: | R.10-02-005 | Verified |
| 6. Date of ALJ ruling: | March 29, 2010 | Verified |
| 7. Based on another CPUC determination (specify): | | |
| 8. Has the Intervenor demonstrated customer or customer-related status? | | Yes |
| Showing of “significant financial hardship” (§ 1802(g)): | | |
| 9. Based on ALJ ruling issued in proceeding number: | A.10-11-002 | R.10-02-005; Verified |
| 10. Date of ALJ ruling: | 7/16/2013 | Verified |
| 11. Based on another CPUC determination (specify): | | |
| 12. Has the Intervenor demonstrated significant financial hardship? | | Yes |

¹ Corrected year to 2014.

² Corrected year to 2014.

| Timely request for compensation (§ 1804(c)): | | |
|--|--------------------|---------------|
| 13. Identify Final Decision: | D.15-07-037 | Verified |
| 14. Date of issuance of Final Order or Decision: | July 23, 2015 | July 29, 2015 |
| 15. File date of compensation request: | September 28, 2015 | Verified |
| 16. Was the request for compensation timely? | | Yes |

PART II: SUBSTANTIAL CONTRIBUTION

A. Did the Intervenor substantially contribute to the final decision (*see* § 1802(i), § 1803(a), and D.98-04-059).

| Intervenor's Claimed Contribution(s) | Specific References to Intervenor's Claimed Contribution(s) | CPUC Discussion |
|--|---|---|
| A. Commission Jurisdiction (854 and 706) | | |
| The Greenlining Institute (Greenlining) argued that the Commission had the authority to review the broadband effects of the merger under Public Utilities Code section 854. | Protest at 3-4. | Verified; See also Section IIC below. |
| Greenlining argued that the proposed transaction would result in a company that continued to deny the Commission's jurisdiction. | Protest at 23. | Verified; See also Section IIC below. |
| Greenlining argued that Joint Applicants' failure to amend their Application to address the broadband impacts of the proposed transaction was grounds for a motion to dismiss. | Joint Consumers' Motion to Dismiss at 6. | Verified; See also Section IIC below. |
| Greenlining argued that the Commission had jurisdiction to review the broadband effects of the merger under section 706 of the Telecommunications Act. | Ex parte letter to ALJ Karl Bemesderfer, July 22, 2014. | Not Verified; See also Section IIC below. |
| "Judge Bemesderfer (or assigned Administrative Law Judge (ALJ)) and the assigned Commissioner issued a Scoping Memorandum by ruling on August 14, 2014, stating that this Commission may evaluate the broadband aspects of the merger between Comcast and Time Warner within the limited authority granted under Pub. Util. Code §§ 854 and 706(a) of the 1996 | Decision at 4. | Verified; See also Section IIC below. |

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| Telecommunications Act.6 Specifically, Judge Bemserderfer and the assigned Commissioner stated in the ruling that, “While Joint Applicants maintain that reliance on § 706(a) is precluded by § 710 of the Pub. Util. Code, § 706(a) provides the express delegation of authority allowed by § 710.” | | |
| B. Widened digital divide and effects on broadband expansion | | |
| “Greenlining worried that the Merger would widen the so-called digital divide between affluent and poor communities by restricting access to broadband services and making them more expensive...[b]ased on arguments by intervenors and Joint Applicants, the Scoping Memorandum set the scope of the proceeding to include all issues relevant to the proposed merger’s impacts on California consumers in order to inform this Commission’s comments to the FCC, and determine whether any conditions should be placed upon a merged entity.” | Decision at 14-15. | Verified; See also Section IIC below. |
| Greenlining...asserted that Joint Parties’ claims of upgrading Time Warner’s customers was contradicted by the fact that Time Warner was already planning to speed up service in New York and Los Angeles to give its “standard” subscribers 50 Mbps download speed, higher than Comcast’s standard 25 Mbps. In addition, Greenlining...stated that the benefit the combined company would gain in being able to take further advantage of “network effects,” by which the attractiveness of a product increases with the number of people using it, would come at the expense of increasing barriers to entry and further entrenching Comcast’s dominance in the broadband marketplace.” | Decision at 21-22. | Verified; See also Section IIC below. |
| C. Competition | | |
| Greenlining argued that the proposed transaction threatened to harm competition, particularly in Los Angeles markets. | Protest at 12-13. | Verified; See also Section IIC below. |

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| Greenlining argued that the proposed transaction would harm competition by eliminating a “maverick” provider. | Protest at 18. | Verified; See also Section IIC below. |
| Greenlining argued that the proposed transaction would increase the combined company’s power to act as a “network gatekeeper” and determine what content consumers could access. | Reply Brief at 4, 20 | Verified; See also Section IIC below. |
| Greenlining argued that the proposed transaction would increase the combined company would use its power as a “network gatekeeper” to hinder competitors’ online video streaming services. | Reply Brief at 7, 17 | Verified; See also Section IIC below. |
| Greenlining argued that the proposed transaction would increase the combined company’s power to act as a “network gatekeeper” and forestall device innovation. | Reply Brief at 11. | Verified; See also Section IIC below. |
| Greenlining argued that the proposed transaction would result in a combined company that would use its market power over bundled services to harm competition. | Reply Brief at 15. | Verified; See also Section IIC below. |
| “Greenlining...also raised the concern that a combined Comcast and Time Warner would have enormous capacity to damage startup activity, online content, and new innovations through exploiting their terminating access monopoly power as a result of the post-merger entity’s significant increase in market share.” | Decision at 16. | Verified; See also Section IIC below. |
| D. Broadband deployment in unserved and underserved areas | | |
| Greenlining argued that the proposed transaction would not result in increased broadband deployment to schools and libraries. | Reply Brief at 13. | Verified; See also Section IIC below. |
| Greenlining argued that the proposed transaction would not improve deployment of broadband to unserved and underserved areas. | Reply Brief at 14. | Verified; See also Section IIC below. |
| “Greenlining...questioned Comcast’s claims regarding merger specific efficiencies, especially as they related to California.” | Decision at 17. | Verified; See also Section IIC below. |

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| “Greenlining....claimed that Joint Applicants’ assertions of merger efficiencies were unverifiable, vague, selective, not merger-specific and did not hold up to scrutiny.... In addition, Greenlining...claimed that past experience shows that the transaction would cause significant disruptions and substantial diversion of resources to integration efforts. Further, Greenlining ...claimed that the proposed transaction would result in a combined company that maintained Comcast’s insufficient commitment to diversity.” | Decision at 17-18. | Verified; See also Section IIC below. |
| E. Quality of Service | | |
| Greenlining argued that the proposed transaction would not result in improved quality of service. | Reply Brief at 31. | Verified; See also Section IIC below. |
| Greenlining argued that Comcast’s behavior raised serious questions about how Comcast treats its current customers, and how it would treat new customers post-merger. | Protest at 10; Reply Brief at 32. | Verified; See also Section IIC below. |
| “Greenlining...argued that the merger would bode poorly for broadband and voice customers because it represented a merger of companies that had an objectively poor track record in providing customer service. Greenlining...asserted that the proposed transaction would not improve service quality for consumers.” | Decision at 19. | Verified; See also Section IIC below. |
| F. Effects on California Consumers/Internet Essentials | | |
| Greenlining argued that the proposed transaction would result in Time Warner Cable’s no longer offering Lifeline service in California, reducing the availability of low-cost phone service to low-income customers. | Protest at 13. | Verified; See also Section IIC below. |
| Greenlining argued that the Joint Applicants’ extension of the Internet Essentials program would not increase adoption of broadband services by low-income consumers. | Reply Brief at 23. | Verified; See also Section IIC below. |

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| Greenlining pointed out that Joint Applicants made no commitments to offer standalone Internet access. | Reply Brief at 28. | Verified; See also Section IIC below. |
| “Greenlining...claimed that extending the IE program to low-income customers in Time Warner’s territory would not help educate consumers on using computers and the Internet. Greenlining...pointed out that expanding Comcast’s digital literacy training to current Time Warner customers would not likely result in a meaningful increase in digital literacy, particularly in light of the fact that Joint Applicants appeared unwilling to make a binding commitment to continue the IE program.” | Decision at 20. | Verified; See also Section IIC below. |
| G. Mitigation Measures | | |
| Greenlining argued that there were no mitigation measures sufficient to ensure that the proposed transactions were in the public interest. | Reply Brief at 49; Opening Comments on Proposed Decision; Reply Comments on Proposed Decision. See Comment A. | Verified; See also Section IIC below. |
| “The PD would have approved the license transfers subject to multiple conditions responsive to concerns raised by the intervenors regarding the potential adverse impact of the parent corporation merger on customers and suppliers of the merged entity. The APD would have denied the applications based on the same set of concerns.” | Decision at 22-23. | Verified; See also Section IIC below. |

B. Duplication of Effort (§ 1801.3(f) and § 1802.5):

| | Intervenor's Assertion | CPUC Discussion |
|---|-------------------------------|--|
| a. Was the Public Advocate's Office of the Public Utilities Commission (Cal Advocates) a party to the proceeding? ³ | Yes | Verified |
| b. Were there other parties to the proceeding with positions similar to yours? | Yes | Verified |
| c. If so, provide name of other parties: California Emerging Technology Fund, Center for Accessible Technology (CforAT), Common Cause, Consumers Union, Dish Network, Entravision Communications Corporation, Joint Minority Parties, Media Alliance, The Utility Reform Network, and Writers Guild of America, West | | Verified |
| <p>d. Intervenor's claim of non-duplication: Greenlining's work in this proceeding was fundamentally different from that of ORA or the other consumer advocates, in that it focused specifically on the proposed merger's impacts on communities of color and low income communities. This perspective influenced many of the positions Greenlining took in the proceeding. Some of the issues, like the effects of the proposed transaction on Lifeline services and Comcast's treatment of current and future customers were unique to Greenlining and its constituency.</p> <p>Throughout the proceeding, Greenlining in regular contact with advocates from TURN, Consumers Union, Center for Accessible Technology, Writers Guild of America, West and other highly active parties to ensure that Greenlining's work was not duplicative. For example, Greenlining did not focus on economic issues that ORA or TURN focused on. Where parties agreed, they coordinated rather than merely echoing each other. In fact, just over 9% of Greenlining's reported hours are related to emails or phone calls regarding coordination of efforts. When possible, Greenlining coordinated on joint filings to avoid duplicative efforts (see Comment B).</p> <p>In many instances, Greenlining had a different view of a particular issue than did other active parties, thus offering the Commission several viewpoints and supporting rationales to evaluate. Additionally, Greenlining was active in the federal proceedings examining this merger, which to the best of Greenlining's knowledge many other parties were not. While the proceedings overlapped substantially in the issues they covered, this provided a broader point of view from which Greenlining argued.</p> <p>Greenlining is claiming compensation only for the work its own attorneys performed.</p> | | Agreed. Greenlining did not engage in excessive duplication. |

³ The Office of Ratepayer Advocates (ORA) was renamed the Public Advocate's Office of the Public Utilities Commission pursuant to Senate Bill No. 854, which the Governor approved on June 27, 2018.

C. Additional Comments on Part II:

| # | Intervenor's Comment | CPUC Discussion |
|---|---|--|
| A | <p>The Final Decision specifically notes Greenlining and other intervenor's contribution to that decision:</p> <p>"As detailed in the foregoing procedural history, during the sixteen months that these consolidated proceedings have been open, the intervenors have set forth their positions in comments, testimony, and documentary evidence, which resulted in a development of a full record. A proposed decision (PD) and an alternate proposed decision (APD) were prepared and circulated for comments. Intervenors made extensive comments on both the PD and the APD. The PD would have approved the license transfers subject to multiple conditions responsive to concerns raised by the intervenors regarding the potential adverse impact of the parent corporation merger on customers and suppliers of the merged entity. The APD would have denied the applications based on the same set of concerns." (Decision at 22-23).</p> <p>As the final Decision notes, Greenlining's efforts led to a fully developed record in this proceeding, and those efforts made a substantial contribution to both the PD and APD. Additionally, the Final Decision explicitly acknowledges the contribution of Greenlining's (and other parties') contribution to the Final Decision: "...the work and contributions to the proceedings by the various parties through their efficient and effective participation should not disappear. Accordingly, despite the grant of the motion, the record for the proceeding shall be preserved." (Decision at 24).</p> <p>Finally, the Final Decision notes that "[g]ranting Joint Applicants' motion to withdraw the applications is functionally equivalent to an order permitting any qualifying intervenor to seek compensation for its contributions to the proceeding" (COL 5), and that "[t]he grant of the motion to withdraw does not preclude an</p> | <p>Verified. Also, as part of their motion to withdraw the application, Joint Applicants stipulated that they will not object to intervenors seeking reasonable compensation for their substantial contribution to the proceeding. (Decision at 23).</p> |

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| | intervenor from seeking intervenor compensation under Pub. Util. Code §§ 1801-1812.” (COL 6) | |
| B | <p>Greenlining’s joint submissions included:</p> <p>Response to Motion to Dismiss with Center for Accessible Technology (CforAT), The Utility Reform Network (TURN) and Writers Guild of America, West (WGAW)</p> <p>Motion to Dismiss with TURN and Office of Ratepayer Advocates (ORA)</p> <p>Reply Brief with Consumers Union</p> <p>Ex Parte Letter with TURN, CforAT, Media Alliance, WGAW, California Common Cause and ORA.</p> <p>Opening Comments on PD (granting merger with conditions) with Consumers Union</p> <p>Reply Comments on PD (granting merger with conditions) with Consumers Union</p> <p>Opening Comments on PD (motion to dismiss) with Consumers Union</p> <p>Joint Reply Comments on PD (motion to dismiss) with Consumers Union</p> | Verified |

PART III: REASONABLENESS OF REQUESTED COMPENSATION

A. General Claim of Reasonableness (§ 1801 and § 1806):

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| <p>a. Intervenor’s claim of cost reasonableness:</p> <p>Given the sheer volume of the transaction, the transaction would have given the expanded Comcast over 85% of the California broadband customer base. Even if each of these customers only saved one dollar each by avoiding higher priced plans, the loss of LifeLine services, the elimination of jobs, etc., the total amount of savings would vastly exceed the amount Greenlining claims here. Accordingly, Greenlining asserts that the cost of its participation is reasonable in light of the enormous consumer benefits realized as a result of participation.</p> | <p>CPUC Discussion</p> <p>Verified</p> |
| <p>b. Reasonableness of hours claimed:</p> <p>Greenlining’s hours were reasonable given the immense volume of information, much of it highly technical or legally complex, that was being considered in this proceeding. Greenlining sought to maintain a streamlined process of work assignments internally, with minimal supervisory involvement, which allowed the key expertise to reside in the active advocate, Mr. Goodman. Each came into the proceeding possessing</p> | <p>Verified, but see CPUC Disallowances and Adjustments, below.</p> |

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| <p>different, complementary areas of expertise, and each stuck to these areas throughout the proceeding, which eliminated overlapping efforts and ensured that each person was efficient, by working on the areas of his expertise.</p> <p>Greenlining staff recorded an unusual amount of time in the General Category because the Commission conducted several workshops and Public Participation Hearings because of this proceeding's complexity and potentially large impact on California consumers. These added a certain amount of time that would not be present in a strictly on paper proceeding. Additionally, this proceeding involved a large number of procedural motions (including a motion to dismiss), and the Commission conducted a lengthy law and motion hearing to resolve outstanding discovery issues.</p> <p>Where personnel were analyzing data request responses that <i>were</i> relevant to issues discussed above, the time was recorded in the appropriate issue category. However, time spent sorting through discovery to find the relevant information, as well as time spent reviewing the voluminous pleadings in this proceeding, was recorded in the General category.</p> <p>Additionally, Greenlining has recorded a number of hours in the "coordination" category. A large number of parties opposed the merger. Greenlining spent substantial time coordinating with many of those parties. Additionally, Greenlining spent a significant amount of time working with parties who were not familiar with the Commission's merger review process (and, in some instances, were participating at the CPUC for the first time), enabling</p> | |
| <p>c. Allocation of hours by issue:</p> <p>A. Commission Jurisdiction – 12.6%</p> <p>B. Widened Digital Divide and Broadband Deployment in Unserved and Underserved Areas – 8.0%</p> <p>C. Competitive Effects – 6.2%</p> <p>D. Merger-Specific and Verifiable Efficiencies – 2.5%</p> <p>E. Service Quality – 6.8%</p> <p>F. Effects on Communities of Color – 15.9%</p> <p>G. Mitigation Measures – 15.5%</p> <p>H. General – 22.7%</p> <p>I. Coordination Between Parties – 9.8%</p> | Verified |

B. Specific Claim:*

| CLAIMED | | | | | | CPUC AWARD | | |
|--|------|-------|---------|-----------------|-------------|-----------------------|------------------|-------------|
| ATTORNEY, EXPERT, AND ADVOCATE FEES | | | | | | | | |
| Item | Year | Hours | Rate \$ | Basis for Rate | Total \$ | Hours | Rate \$ | Total \$ |
| Paul Goodman | 2014 | 115.9 | 320 | D.15-05-050 | \$37,088.00 | 106.8 [1], [2] | 330 ⁴ | \$35,244.00 |
| Paul Goodman | 2015 | 48 | 330 | See Comment A. | \$15,840.00 | 41.3 [2], [3] | 330 | \$13,629.00 |
| Stephanie Chen | 2014 | 12.4 | 230 | A.11-05-017 | \$2,852.00 | 9.4 [1], [2] | 235 ⁵ | \$2,209.00 |
| Stephanie Chen | 2015 | 16.7 | 310 | See Comment B. | \$5,177.00 | 11.4 [2], [3] | 310 | \$3,534.00 |
| Subtotal: \$60,957.00 | | | | | | Subtotal: \$54,616.00 | | |
| OTHER FEES | | | | | | | | |
| Item | Year | Hours | Rate \$ | Basis for Rate* | Total \$ | Hours | Rate | Total \$ |
| Paul Goodman —Travel to Los Angeles All-Party | 2015 | 4 | 165 | See Comment A. | \$660.00 | 4 | 165 | \$660.00 |
| Stephanie Chen—Travel to Los Angeles All-Party | 2015 | 4 | 155 | See Comment B. | \$620.00 | 4 | 155 | \$620.00 |
| Subtotal: \$1,280.00 | | | | | | Subtotal: \$1,280.00 | | |

⁴ Application of Res. ALJ-303 – 2.58% Cost of Living Adjustment.

⁵ Application of Res. ALJ-303 – 2.58% Cost of Living Adjustment.

| INTERVENOR COMPENSATION CLAIM PREPARATION ** | | | | | | | | |
|--|--------------------------------------|-------|---------------|-----------------|---|--------------------------|------|------------|
| Item | Year | Hours | Rate \$ | Basis for Rate* | Total \$ | Hours | Rate | Total \$ |
| Paul Goodman | 2015 | 12.6 | 165 | See Comment B. | \$2,079.00 | 12.6 | 165 | \$2,079.00 |
| Subtotal: \$2,079.00 | | | | | | Subtotal: \$2,079.00 | | |
| TOTAL REQUEST: \$64,317.00 | | | | | | TOTAL AWARD: \$57,975.00 | | |
| <p>**We remind all intervenors that Commission staff may audit their records related to the award and that intervenors must make and retain adequate accounting and other documentation to support all claims for intervenor compensation. Intervenor’s records should identify specific issues for which it seeks compensation, the actual time spent by each employee or consultant, the applicable hourly rates, fees paid to consultants and any other costs for which compensation was claimed. The records pertaining to an award of compensation shall be retained for at least three years from the date of the final decision making the award.</p> <p>**Travel and Reasonable Claim preparation time typically compensated at ½ of preparer’s normal hourly rate</p> | | | | | | | | |
| ATTORNEY INFORMATION | | | | | | | | |
| | | | | | | | | |
| Attorney | Date Admitted to CA BAR ⁶ | | Member Number | | Actions Affecting Eligibility (Yes/No?) If “Yes”, attach explanation | | | |
| Paul Goodman | 04/24/2002 | | 219086 | | No | | | |
| Stephanie Chen | 08/23/2010 | | 270917 | | No | | | |

C. Attachments Documenting Specific Claim and Comments on Part III

| Attachment or Comment # | Description/Comment |
|--------------------------------|---|
| A | Mr. Goodman's first Commission approved rate was for work done in 2011. Mr. Goodman is now in his fifth year of practice before the Commission. Resolution ALJ-308 sets the range for work done in 2015 for attorneys with 13+ years of |

⁶ This information may be obtained through the State Bar of California's website at <http://members.calbar.ca.gov/fal/MemberSearch/QuickSearch>.

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| | experience at \$320-570. \$330 is an appropriate rate for Mr. Goodman's work in 2015. |
| B | Ms. Chen's first Commission approved rate was for work done in 2010. Ms. Chen is now in her 6 th year of practice before the Commission. Resolution ALJ-308 sets the range for work done in 2015 for attorneys with 5-7 years of experience at \$300-\$320. As 6 is the mid-point between 5 and 7 (years of experience) and \$310 is the mid-point between \$300 and \$320, \$310 is an appropriate rate for Ms. Chen's work in 2015. |
| Attachment 1 | Certificate of Service |
| Attachment 2 | Time Sheets for Attorneys, Advocates and Experts |

D. CPUC Disallowances and Adjustments:

| Item | Reason |
|------|---|
| [1] | Both Goodman and Chen list hours prior to the April 11, 2014 filing date of the Application and the commencement of the proceeding. Under Rule 17.4 of the Commission's Rules of Practice and Procedure, a "request for compensation may include reasonable costs of participation in the proceeding that were incurred prior to the start of the proceeding." However, the hours claimed prior to the start of the proceeding are excessive. Therefore, the Commission deducts 8.3 hours in 2014 for Goodman and 3 hours in 2014 for Chen. |
| [2] | Under Coordination Between Parties, Greenlining claims hours for coordination with non-parties. Therefore, the Commission deducts 0.8 hours in 2014 and 3.2 hours in 2015 for Goodman and 1.8 hours in 2015 for Chen. |
| [3] | Goodman and Chen each claimed 6.5 hours for the April 14, 2015 All-Party Meeting. We find these hours duplicative and excessive. Therefore, the Commission deducts 3.5 hours in 2015 for Goodman and 3.5 hours in 2015 for Chen. |

PART IV: OPPOSITIONS AND COMMENTS

Within 30 days after service of this Claim, Commission Staff or any other party may file a response to the Claim (*see* § 1804(c))

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| A. Opposition: Did any party oppose the Claim? | Yes, Comcast Corporation (Comcast) filed a Response on 10/28/2015 opposing Greenlining's claim. Greenlining filed a Reply to Comcast's Response on 11/12/15. |
|---|--|

If so:

| Party | Reason for Opposition | CPUC Discussion |
|---------------------|--|--|
| Comcast Corporation | Comcast argues in its Response that the Commission should reduce Greenlining's compensation because of duplication with the work of Cal Advocates and other intervenors. Comcast also argues that a reduction in compensation is warranted because of internal duplication of efforts at Greenlining. Greenlining counters in its Reply to Comcast's Response that it did not engage in excessive duplication. | The Commission finds that Greenlining did not engage excessive duplication with Cal Advocates or other intervenors. However, the Commission does adjust hours due to internal duplication. |

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| B. Comment Period: Was the 30-day comment period waived (see Rule 14.6(c)(6))? | No |
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FINDINGS OF FACT

1. The Greenlining Institute has made a substantial contribution to D.15-07-037.
2. The requested hourly rates for The Greenlining Institute's representatives are comparable to market rates paid to experts and advocates having comparable training and experience and offering similar services.
3. The claimed costs and expenses, as adjusted herein, are reasonable and commensurate with the work performed.
4. The total of reasonable compensation is \$57,975.00.

CONCLUSION OF LAW

1. The Claim, with any adjustment set forth above, satisfies all requirements of Pub. Util. Code §§ 1801-1812.

ORDER

1. The Greenlining Institute shall be awarded \$57,975.00.
2. Within 30 days of the effective date of this decision, Comcast Corporation shall pay The Greenlining Institute the total award. Within 15 days of invoice, Time Warner Cable Inc., Time Warner Cable Information Services (California), LLC, and Bright House Networks Information Services (California), LLC shall pay Comcast Corporation their respective shares of the award, based on their California-jurisdictional telecommunications revenues for the 2014 calendar year, to reflect the year in which the proceeding was primarily litigated. Payment of the award shall include compound interest at the rate earned on prime, three-month non-financial commercial paper as reported in Federal Reserve Statistical Release H.15, beginning December 12, 2015, the 75th day after the filing of The Greenlining Institute's request, and continuing until full payment is made.
3. Comcast Corporation shall invoice the other Joint Applicants for their shares of the award within 30 days of the effective date of this decision.
4. The comment period for today's decision is not waived.

This decision is effective today.

Dated _____, at San Francisco, California.

APPENDIX**Compensation Decision Summary Information**

| | | | |
|----------------------------------|---------------------|---------------------------|----|
| Compensation Decision: | | Modifies Decision? | No |
| Contribution Decision(s): | D1507037 | | |
| Proceeding(s): | A1404013 | | |
| Author: | ALJ Bemserderfer | | |
| Payer(s): | Comcast Corporation | | |

Intervenor Information

| Intervenor | Claim Date | Amount Requested | Amount Awarded | Multiplier? | Reason Change/Disallowance |
|---------------------------|--------------------|-------------------------|-----------------------|--------------------|---|
| The Greenlining Institute | September 28, 2015 | \$64,317.00 | \$57,975.00 | N/A | See CPUC Disallowances and Adjustments above. |

Advocate Information

| First Name | Last Name | Type | Intervenor | Hourly Fee Requested | Year Hourly Fee Requested | Hourly Fee Adopted |
|-------------------|------------------|-------------|---------------------------|-----------------------------|----------------------------------|---------------------------|
| Stephanie | Chen | Attorney | The Greenlining Institute | \$230 | 2014 | \$235 |
| Stephanie | Chen | Attorney | The Greenlining Institute | \$310 | 2015 | \$310 |
| Paul | Goodman | Attorney | The Greenlining Institute | \$320 | 2014 | \$330 |
| Paul | Goodman | Attorney | The Greenlining Institute | \$330 | 2015 | \$330 |

(END OF APPENDIX)